

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HARRY BAILEY,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 2:21-cv-02786
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
CORY M. GOLDSTEIN and STIRLING	:	
TOWING & TRANSPORT, LLC,	:	
	:	
	:	
Defendants.	:	
	:	

**NOTICE OF REMOVAL OF DEFENDANT
STIRLING TOWING & TRANSPORT, LLC**

Defendant, Stirling Towing & Transport, LLC (“Stirling”), by and through its counsel, Post & Schell, P.C., hereby submits this Notice of Removal and avers as follows:

1. This matter arises from motor vehicle accident that occurred on August 30, 2020 on US-1 near its intersection with I-76 in Philadelphia, Pennsylvania. See Plaintiff’s First Amended Complaint attached hereto as **Exhibit A**.

2. Plaintiff filed a Complaint in this matter in the Philadelphia County Court of Common Pleas on March 2, 2021. Id.

3. Defendant Corey Goldstein was served with the Complaint in New Jersey on March 31, 2021. See Affidavit of Service attached hereto as **Exhibit B**.

4. Defendant Stirling was served with the Complaint in New Jersey on June 1, 2021. See Affidavit of Service attached hereto as **Exhibit C**.

5. This Court’s jurisdiction is based upon diversity of citizenship under 28 U.S.C. § 1332.

6. With regard to diversity of citizenship, Plaintiff is a citizen of Pennsylvania. See Exhibit A.

7. Defendant Goldstein is a citizen of New Jersey. Id., see also Exhibit B.

8. Defendant Stirling is a limited liability company, with a single member, Frankie Grantano, who is a citizen of New Jersey, and was served with the Complaint on behalf of Stirling in New Jersey. See Exhibit C.

9. The citizenship of other entities, such as LLCs and partnerships, is based upon the citizenship of each of its individual members or partners. See generally Americold Realty Tr. v. Conagra Foods, Inc., 136 S. Ct. 1012 (2016).

10. Accordingly, because its sole member is a citizen of New Jersey, Stirling is a citizen of New Jersey.

11. The parties are in complete diversity.

12. Plaintiff alleges that as a result of the alleged incident he suffered “various serious and permanent personal injuries, serious impairment of bodily function and/or permanent serious disfigurement and/or aggravation of pre-existing conditions and others ills and injuries” specifically to his neck and back. Id., ¶ 13.

13. Plaintiff is seeking damages for past and future medical expenses, past and future loss of earnings and/or earnings capacity, property damage, emotional damages, and pain and suffering. Id., ¶13-18.

14. Plaintiff’s Complaint alleges damages against the Defendant “in an amount in excess of \$50,000” Id., *ad damnum* clause.

15. “The general federal rule is to decide the amount in controversy from the complaint itself... The amount in controversy is not measured by the low end of an open ended

claim, but rather by a reasonable reading of the value of the rights being litigated.” Angus v. Shiley, Inc., 989 F.2d 142, 146 (3d Cir. 1993) (Plaintiff sought damages “‘in excess’ of \$20,000.”)

16. In light of the fact that Plaintiff asserts “serious and permanent personal injuries” and seeks economic and non-economic damages any “reasonable reading of the rights being litigated” in this matter leads to the conclusion that the amount in controversy exceeds the federal jurisdictional threshold.

17. Therefore, the instant action satisfies the elements necessary to establish diversity of citizenship jurisdiction pursuant to 28 U.S.C. 1332 insofar as all of the parties are diverse and the amount in controversy is in excess of \$75,000.00.

18. Stirling’s Notice of Removal has been filed within thirty (30) days of formal service of Plaintiff’s Complaint, and therefore is timely, under 28 U.S.C. § 1446. See also Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48 (1999).

19. Concurrently, Stirling filed a Notice of Removal with the Prothonotary of the Court of Common Pleas of Philadelphia County pursuant to 28 U.S.C. § 1446(d). See Notice attached hereto as **Exhibit D**.

WHEREFORE this action, which is presently docketed in the Philadelphia County Court of Common Pleas No. 210300201, has been removed to this Court and this action should be placed on the docket for this Court for further proceedings as though it was originally initiated here.

POST & SCHELL, P.C.

Dated: June 23, 2021

By: s/ John W. Croumer
Attorneys for Defendants
John W. Croumer, Esquire
I.D. # PA208170
1869 Charter Lane
P.O. Box 10248
Lancaster, PA 17605-0248
717-291-4532
717-291-1609 – Fax
jcroumer@postschell.com

CERTIFICATE OF SERVICE

I, John W. Croumer, Esquire, attorney for Defendants, hereby state that a true and correct copy of the foregoing NOTICE OF REMOVAL OF DEFENDANT STIRLING TOWING & TRANSPORT, LLC, sent by first-class mail, postage prepaid on the date set forth below, was served upon the following individual(s):

Marc I. Simon, Esquire
SIMON & SIMON, P.C.
1818 Market Street, Suite 2000
Philadelphia, PA 19103

POST & SCHELL, P.C.

Dated: June 23, 2021

By: s/ John W. Croumer
John W. Croumer, Esquire
Attorney for Defendants